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EXAMINER

LANGDON, EVAN H

ART UNIT PAPER NUMBER

3654

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,689

Applicant(s)

IKUTA, TAKESHI

Examiner

Evan H Langdon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-13 15-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 1, 3-13 15-22 , the limitation “at substantially the same level” on line 10 of claims 1 and 16 render the claim indefinite. This limitation provides no reference point to give the terms “same lever” any meaning. Suggested correction: in substantially the same plane.

In further regards to claims 9-11, the “where the rod mount further includes a leg portion joining the mounting pod to the real body “ is inconsistent with the claimed subject matter in claim 1, specifically, “such that said harness connector and said rod mount are disposed at substantially the same level.” For the purposes of examination, it will be assumed that the harness connector and the mounting pod are not at substantially the same level.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (US 4,688,346) in view of Noda (US 5,150,854).

In regards to claims 1 and 16, Collins shows a dual-bearing reel 25 with a reel body as seen in Figures 6 and 7, a rod mount 18 coupled to a fishing rod 10 and attached to the reel body, and having a longitudinal axis that lies on a plane dividing the reel body 25 into first and second sections, a spool rotatively carried in the reel body, and a handle that cranks the spool as seen in Figures 6 and 7. The rod mount is at the top of the reel, so that the reel is mounted below the rod in use, as seen in Figure 5.

Collins fails to show a harness connector including first and second harness clips that removably and reattachably engage a harness where the harness connector is provided on a side of the reel body on which the rod mount is mounted, but discloses that the reel can be used for deep sea fishing and can be adapted for use with a harness, as explained in column 1, lines 10-21.

Noda teaches a reel body having a longitudinal axis that lies on a plane dividing the reel body 1 into first 11 and second 12 sections, a harness connector including first 40 and second 41 harness clips that removably and reattachably engage the harness where the harness connector is provided on a top side of the reel body on which the rod mount is mounted as seen in Figures 2 and 3 and where the first 40 and second 41 harness clips are located on the first 11 and second 12 sections of the reel body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual-bearing reel of Collins to include a harness connector on the top side of the reel body and on either side of the rod mount, as suggested by Noda, to allow the

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weight of the rod to be supported by the angler's shoulders, neck and waist. Attaching the harness clips to either side of the rod mount places them in substantially the same plane as the rod mount.

In regards to claim 3, Collins as modified by Noda teaches the harness clips are installed with a coupling member 42 as seen in Figures 2 and 3 (Noda).

In regards to claim 4, Collins as modified by Noda teaches a rod mount that is removably and reattachably coupled to the reel body (Collins).

In regards to claim 6, Collins as modified by Noda teaches a rod mount attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod as see in Figure 5 (Collins).

In regards to claim 8, Collins as modified by Noda teaches a reel body with first and second side plates 11, 12 (Noda) disposed at a spacing direction of the rotational axis of the spool, and top and bottom connectors 30 and 15 connecting the two plates.

In regards to claims 17 and 18, Collins as modified by Noda teaches a rod mounting means attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod, and where the reel body has rod mount coupling means for coupling the rod mounting means to the reel body removably and reattachably as see in Figure and 5 (Collins).

In regards to claims 15 and 20, Noda teaches a drag lever means 8 (Noda) for adjusting a drag force of the spool. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reel of Collins to include a drag lever means as suggested by Noda, to adjust the drag applied during operation.

In regards to claims 21 and 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to when modifying the reel of Collins to include the harness means of Noda, where the clips are located on the first and second side plates 11, 12 (Noda) and the rod connector (Collins) is disposed between the clips, that the dimensions of a first transverse width, the width between the inner surfaces of the first and second clips, would be greater than the second transverse width, the width of the rod mount, and less than the third transverse width, the width of the inner surfaces of the side plates 11, 12 (Noda).

Claims 5 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Collins as modified by Noda as applied to claim 1 above, and further in view of Veroli.

In regards to claims 5 and 7, Veroli teaches a rod mount has a mounting pod for coupling to a fishing rod where the mounting pod is a plate-shaped component with a surface curved to fit the surface of the fishing rod as seen in Figure 1 (Veroli).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rod mount of Veroli to include Collins as modified by Noda as suggested by Veroli to better secure the reel to the rod.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Noda as applied to claims 1 and 5 above, and further in view of Yeh (US 5,865,388).

In regards to claims 9-11, Yeh teaches a rod mount 20 (Yeh) including a leg portion joining the mounting pod 26 (Yeh) and the reel body where the mounting pod is formed unitarily with the leg portion and the leg portion includes a pair of pillar shaped members that extend vertically from the reel body as seen in Figure 1 (Yeh).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reel of Collins as modified Noda to include leg portion joining the rod mount as suggested by Yeh, to obtain a better grip on the rod.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veroli (US 3,166,269) in view of Noda.

In regards to claims 1 and 16, Veroli shows a dual-bearing reel with a reel body as seen in Figure 1, a rod mount 17 coupled to a fishing rod 12 and attached to the reel body, and having a longitudinal axis that lies on a plane dividing the reel body into first and second sections, a spool 26 rotatively carried in the reel body, and a handle 53 that cranks the spool. The rod mount is at the top of the reel, so that the reel is mounted below the rod in use, as seen in Figure 1.

Veroli fails to show a harness connector including first and second harness clips that removably and reattachably engage a harness where the harness connector is provided on a side of the reel body on which the rod mount is mounted.

Noda teaches a reel body having a longitudinal axis that lies on a plane dividing the reel body 1 into first 11 and second 12 sections, a harness connector including first 40 and second 41

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harness clips that removably and reattachably engage the harness where the harness connector is provided on a top side of the reel body on which the rod mount is mounted as seen in Figures 2 and 3 and where the first 40 and second 41 harness clips are located on the first 11 and second 12 sections of the reel body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual-bearing reel of Veroli to include a harness connector on the top side of the reel body, as suggested by Noda, to allow the weight of the rod to be supported by the angler's shoulders, neck and waist.

In regards to claim 3, Veroli as modified by Noda teaches the harness clips are installed with a coupling member 42 as seen in Figures 2 and 3 (Noda).

In regards to claims 4, 5 and 7, Veroli as modified by Noda teaches a rod mount 17 (Veroli) that is removably and reattachably coupled to the reel body, has a mounting pod for coupling to a fishing rod where the mounting pod is a plate-shaped component with a surface curved to fit the surface of the fishing rod as seen in Figure 1 (Veroli).

In regards to claim 6, Veroli as modified by Noda teaches a rod mount attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod as see in Figures 1 (Veroli).

In regards to claim 8, Veroli as modified by Noda teaches a reel body with first and second side plates 11, 12 (Noda) disposed at a spacing direction of the rotational axis of the spool, and top and bottom connectors 30 and 15 connecting the two plates.

In regards to claims and 15, Veroli as modified by Noda teaches the reel further comprising a drag lever 93 for adjusting the drag force of the spool as seen in Figure 1 (Veroli).



In regards to claims 17 and 18, Veroli as modified by Noda teaches a rod mounting means attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod, and where the reel body has rod mount coupling means for coupling the rod mounting means to the reel body removably and reattachably as see in Figures 1 (Veroli).

In regards to claim 20, Veroli as modified by Noda teaches a drag lever means 93 (Veroli) for adjusting a drag force of the spool.

In regards to claims 21 and 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to when modifying the reel of Yeh to include the harness means of Noda, where the clips are located on the first and second side plates 11, 12 (Noda) and the rod connector 17 (Veroli) is disposed between the clips, that the dimensions of a first transverse width, the width between the inner surfaces of the first and second clips, would be greater then the second transverse width, the width of the rod mount, and less then the third transverse width, the width if the inner surfaces of the side plates 11, 12 (Noda).

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veroli in View of Noda as applied to claims 1 and 5 above, and further in view of Yeh (US 5,865,388).

In regards to claims 9-11, Yeh teaches a rod mount 20 (Yeh) including a leg portion joining the mounting pod 26 (Yeh) and the reel body where the mounting pod is formed unitarily with the leg portion and the leg portion includes a pair of pillar shaped members that extend vertically from the reel body as seen in Figure 1 (Yeh).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reel of Veroli as modified Noda to include leg portion joining the rod mount as suggested by Yeh, to obtain a better grip on the rod.

***Allowable Subject Matter***

Claims 12 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

ehl



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